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Fiscal Note

Drafting Number: LLS 23-0871 Date: March 27, 2023
Prime Sponsors: Sen. Bridges; Kirkmeyer Bill Status: Senate Appropriations
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Bill Topic: STATEWIDE BEHAVIORAL HEALTH COURT LIAISON OFFICE

- Summary of Fiscal Impact:
[X] State Revenue [] TABOR Refund
[X] State Expenditure [] Local Government
[] State Transfer [] Statutory Public Entity

Budget package bill. The bill makes the Bridges Program within the Judicial Department an independent office and provides funding to expand the office. Starting in FY 2023-24, the bill increases state expenditures on an ongoing basis, and may increase state revenue.

Appropriation Summary: For FY 2023-24, the bill includes a net appropriation of \$2.5 million to multiple state agencies.

Fiscal Note Status: The fiscal note reflects the introduced bill. The bill was recommended by the Joint Budget Committee as part of its FY 2023-24 budget package.

Table 1
State Fiscal Impacts Under SB 23-229

Table with 4 columns: Category, Sub-category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill makes the statewide behavioral health court liaison program (also known as the Bridges Program), within the Judicial Department, its own independent judicial office called the Office of the Statewide Behavioral Health Court Liaison (office).

The bill outlines the duties of the office, which are primarily to provide court liaisons within each judicial district to facilitate communication between judicial and behavioral health systems on behalf of the defendant. The bill establishes a director to head the office; through June 30, 2026, the current director of the Bridges Program is the director of the newly created office. It also establishes the Bridges Program Commission to oversee the office, requires the office and the Judicial Department to enter into a memorandum of understanding, and requires the office to provide regular reporting to the General Assembly. The Judicial Department is required to provide initial accounting and human resources support to the office.

The bill also makes several changes to the duties of court liaisons, including to:

- address system gaps and barriers and promote positive outcomes for program participants;
- keep judges, district attorneys, county attorneys, and defense attorneys informed about available community-based behavioral health services; and
- provide consultation and training to criminal and juvenile justice personnel on behavioral health and community treatment options.

The office may seek, accept, and expend gifts, grants, or donations. Subject to annual appropriations, the office may expend money to provide or contract for behavioral health services, basic necessities, transitional housing, and other services to support program participants.

State Revenue

To the extent the state receives gifts, grants, and donations for the court liaison program, state revenue will increase. No source of gifts, grants, or donations have been identified. These revenue sources are not subject to the state's TABOR limit.

State Expenditures

On net, the bill increases state General Fund expenditures by \$2.5 million in FY 2023-24 and up to \$10.8 million in FY 2024-25. Expenditures are shown in Table 2 and detailed below.

**Table 2
Expenditures Under SB 23-229**

	FY 2023-24	FY 2024-25
Office of Statewide Behavioral Health Court Liaison		
Personal Services	\$3,566,814	\$10,285,964
Operating Expenses	\$87,750	\$133,650
Capital Outlay Costs	\$433,550	\$226,780
Liaison Travel	\$33,000	\$61,500
Training	\$25,000	\$25,000
IT Programming and Support	\$300,000	\$265,000
Legal Services	\$50,227	-
Participant Service Fund	-	\$500,000
Centrally Appropriated Costs	\$734,906	\$2,134,649
FTE – Personal Services	33.7 FTE	up to 99.0 FTE
FTE – Legal Services	0.3 FTE	-
Court Liaison Subtotal	\$5,231,247	up to \$13,632,543
Judicial Department		
Long Bill Adjustment	(\$2,802,491)	(\$2,802,491)
Legal Services	\$50,227	-
FTE – Personal Services	(12.0 FTE)	(12.0 FTE)
FTE – Legal Services	0.3 FTE	
Judicial Subtotal	(\$2,752,265)	(\$2,802,491)
Total	\$2,478,982	up to \$10,830,052
Total FTE	22.3 FTE	up to 87.0 FTE

Office of the Statewide Behavioral Health Court Liaison. Starting in FY 2023-24, expenditures will increase in the newly created office to become independent and expand operations, as described below.

- **Staffing.** Starting in FY 2023-24, the office requires 65.0 FTE (prorated to 33.7 FTE in the first year), including 7.0 FTE for leadership and support staff to oversee the independent office, and 58.0 FTE as program management or court liaisons including: 33.0 FTE court liaisons, 12.0 senior court liaisons, and 14.0 program management FTE. Costs in FY 2023-24, are prorated for start dates ranging from July 1 to January 1. Standard operating and capital outlay costs are included.
- **Liaison travel.** Travel costs for non-senior court liaisons are estimated at \$1,000 per year per liaison.

- **Training.** Expenditures will increase by \$25,000 to provide consultation and training to criminal and juvenile justice personnel regarding behavioral health and community treatment options and program best practices, as required by the bill.
- **Computer programming and support.** Computer programming costs of \$300,000 in FY 2023-24 and \$165,000 in FY 2024-25 are required to develop a case management system and to provide IT support to employees.
- **Legal services.** The office will require 475 hours of legal services to negotiate and enter into a memorandum of understanding with the Judicial Department. Legal services are provided by the Department of Law at a rate of \$105.74 per hour.
- **Participant Support Fund and future year costs.** Based on Joint Budget Committee staff documents, the fiscal note assumes that the office will expand by hiring additional court liaison staff in future years. This includes hiring 33.0 FTE in FY 2024-25, and another 18.0 FTE in FY 2025-26. In addition, expenditures may increase by \$500,000 to provide or contract for behavioral health services, basic necessities, transitional, housing, and other services. The amount appropriated to fund participant services and the number of court liaisons is at the discretion of the General Assembly and will ultimately be determined through the annual budget process.

Judicial Department. Starting in FY 2023-24, expenditures in the Judicial Department will decrease by \$2.8 million as a result of making the court liaison program an independent office. The department also requires 475 hours of legal services to negotiate and enter into a memorandum of understanding with the newly created office. Legal services are provided by the Department of Law at a rate of \$105.74 per hour.

Department of Human Services. To the extent additional court liaisons impacts caseloads in the Office of Civil and Forensic Mental Health or the Behavioral Health Administration, adjustments will be made through the annual budget process.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2. The bill's appropriation also includes adjustments to centrally appropriated line items for employee insurance and supplemental retirement payments for the Judicial Department.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, with certain provisions contingent upon creation of the Office of Administrative Services for Independent Agencies.

State Appropriations

For FY 2023-24, the bill includes the following appropriations:

- \$5,231,247 from the General Fund to the Office of Statewide Behavioral Health Court Liaison with 33.7 FTE, of which \$50,227 and 0.3 FTE are reappropriated to the Department of Law;
- a reduction of \$2,802,491 from the General Fund to the Judicial Department with a reduction of 12.0 FTE; and
- \$50,227 from the General Fund to the Judicial Department, fully reappropriated to the Department of Law with 0.3 FTE.

State and Local Government Contacts

Behavioral Health Administration
Judicial

Human Services

Joint Budget Committee Staff